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Paper Number 18

In re application of
Koichi ASHIZAWA et al.
Serial No. 09/124,925
Filed: July 29, 1998
For: CURRENT COLLECTOR WITH PENETRATING HOLES
OF COMPLICATED SHAPE FOR USE IN A SECONDARY
BATTERY AND MANUFACTURING PROCESS THEROF

DECISION ON
PETITION

This is a response to the PETITION UNDER 37 CFR 1.181, filed February 5, 2004. The petition requests that the abandonment, as set forth in the Notice of Abandonment of August 27, 2001, be withdrawn since the applicants allege that the Notice of Abandonment was issued in error and should be withdrawn.

DECISION

The instant request has been accepted as a petition to withdraw the holding of abandonment under the provisions of 37 CFR 1.181 (no fee). A review of the USPTO application file reveals that applicants' response to Notice of Non-Compliance with 37 CFR 1.192(c), dated July 17, 2001 was timely filed on August 8, 2001. However, the response was not in compliance with 37 CFR 1.192(c)(9) in that a correct copy of the appealed claims as an appendix in the Appeal Brief had not been submitted. It is noted that the amendment after Final Rejection filed December 1, 2000 had NOT been entered in the Advisory Action of December 18, 2000 because said amendment raised new issues and the appendix of the appealed claims filed on April 2, 2001 did include said amendments to the claims filed after the Final Rejection. Since the Request for Reconsideration filed August 8, 2001 was a bona fide response, a second Notice of Non-Compliance, rather than a Notice of Abandonment, should have been issued to allow the applicants have a second opportunity to file a copy of corrected claims.

Accordingly, the holding of abandonment is hereby vacated, and the application has been returned to pending status. The applicants have to submit a copy of corrected claims within ONE MONTH or THIRTY DAYS from the mailing date of the mailing date of this petition decision, whichever is longer.

The Petition is **GRANTED**.

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